

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**JOHN RANDOPHLH BAKEWELL,
APPELLANT**

vs.

**LAURIE K. BREITENSTEIN, SUCESSOR TRUSTEE OF THE JANICE M. BAKEWELL
LIVING TRUST DATED JULY 2, 2010,
RESPONDENT**

**JERRY D. LAWSON, TRUSTEE FOR CITIFINANCIAL SERVICES, INC.,
RESPONDENT**

**JOHN RANDOLPH BAKEWELL, PERSONAL REPRESENTATIVE OF THE ESTATE
OF JANICE M. BAKEWELL LIVING TRUST DECEASED 7/19/10,
RESPONDENT**

DOCKET NUMBER WD73914

DATE: FEBRUARY 21, 2012

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Jon E. Beetem, Judge

Appellate Judges:

Division Two: Mark D. Pfeiffer, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Attorneys:

John Randolph Bakewell, Appellant Pro-se

David G. Bandre', for Respondent Breitenstein

Matthew A. Clement, for Respondent Lawson

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JOHN RANDOLPH BAKEWELL, APPELLANT

v.

**LAURIE K. BREITENSTEIN, SUCESSOR TRUSTEE OF THE JANICE M. BAKEWELL
LIVING TRUST DATED JULY 2, 2010, RESPONDENT;**

**JERRY D. LAWSON, TRUSTEE FOR CITIFINANCIAL SERVICES, INC.,
RESPONDENT; and**

**JOHN RANDOLPH BAKEWELL, PERSONAL REPRESENTATIVE OF THE ESTATE
OF JANICE M. BAKEWELL LIVING TRUST DECEASED 7/19/10, RESPONDENT**

WD73914

Cole County, Missouri

Before Division Two Judges: Mark D. Pfeiffer, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Mr. Bakewell and Ms. Bakewell legally separated in 2005. As a result of a judgment and decree of legal separation entered by the Cole County Circuit Court, Ms. Bakewell was awarded the couple's home ("the Property"), and the parties were further ordered to execute the appropriate deeds, quit claims, and other documents necessary to show sole ownership of the items of real and personal property awarded to each party. Mr. Bakewell executed a quit claim deed to the Property. In 2008, Ms. Bakewell executed a deed of trust in favor of Citifinancial granting it a lien on the Property to secure payment for the credit Citifinancial extended to her. Mr. Lawson is the trustee for Citifinancial on the deed of trust granting a lien on the Property. Ms. Bakewell later placed the Property in a living trust, of which Ms. Breitenstein is the successor trustee. Following the death of Ms. Bakewell, Mr. Bakewell filed suit against Ms. Breitenstein and Mr. Lawson asserting three counts for declaratory judgment seeking to void the quit claim deed he executed to Ms. Bakewell, the deed of trust in favor of Citifinancial, and the deed of Ms. Bakewell placing the Property in the trust.

On April 7, 2011, the trial court issued a judgment titled "Partial Summary Judgment", which granted Breitenstein and Lawson summary judgment on the issues of extinguishment of any claim of Mr. Bakewell to the Property. The Judgment also stated, however, that it did not fully and completely resolve all issues currently pending in the cause. John Bakewell, pro se, appeals from the trial court's partial summary judgment in favor of Ms. Breitenstein and Mr. Lawson.

DISMISSED AND REMANDED

Division Two holds:

- (1) The trial court's partial summary judgment is not eligible for interlocutory appeal under Rule 74.01(b) because, by its express terms, it is not a final judgment; nor can it be conclusively determined on appellate review that the judgment disposes of a distinct judicial unit or units entitling it to interlocutory appeal. Thus, the appeal must be dismissed.

Opinion by Joseph M. Ellis, Judge

Date: February 21, 2012

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